

**IN THE CRIMINAL COURT, DIVISION I, FOR DAVIDSON COUNTY,
TENNESSEE, AT NASHVILLE**

STATE OF TENNESSEE,

v.

ARTHUR WAYNE MARCH,
Defendant.

Docket No. 2005-D-2854

DAVID S. JOHNSON, CLERK
278 DC

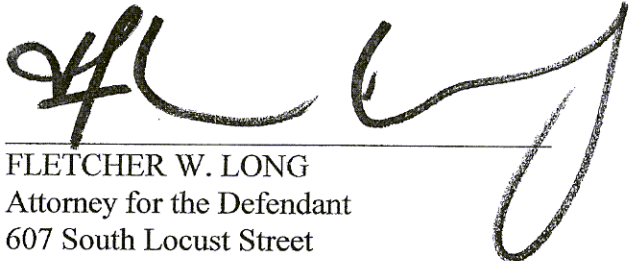
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**MOTION TO RELEASE DEFENDANT ON OWN RECOGNIZANCE
OR ALTERNATIVELY TO REDUCE THE AMOUNT OF THE BAIL**

Comes now the Defendant, Arthur Wayne March, by and through his undersigned attorney and files the following motion to release the Defendant on Recognizance, pursuant to Tenn. Code Ann. § 40-11-115 or, alternatively, to set the bail at a reasonable amount pursuant to Article I, § 15 of the Constitution of the State of Tennessee, the Eighth and Fourteenth Amendments to the United States Constitution and Tenn. Code Ann. § 40-11-101, *et seq.* Defendant submits he is 78 years old, is of ill health with both heart and blood pressure medications regularly prescribed to him, and while having been removed via force from Mexico, was in Mexico up until his removal legally and was subject to what he reasonably believed to be a valid and enforceable federal court order in Mexico entitling him to a hearing prior to his expulsion from the Country. Therefore, Defendant submits he is not a flight risk, is not charged with an offense precluding his having a reasonable bail set, and believes he can proffer a considerable defense to the charges indicted vitiating the likelihood of conviction. Defendant also submits he, though seventy-eight years old, has neither an extensive criminal history nor a history dotted with previous failures to present in Court when so summoned and required to appear without his first applying himself to the process of the Court that his status in a

foreign land may make him due. For the forgoing reasons, Defendant requests the Court either release him on his own recognizance, permit his placement in an assisted needs facility together with electronic monitoring awaiting trial or admit him to a bail that is "...the least onerous conditions reasonably likely to assure the defendant's appearance in court." Tenn. Code Ann. § 40-11-116.

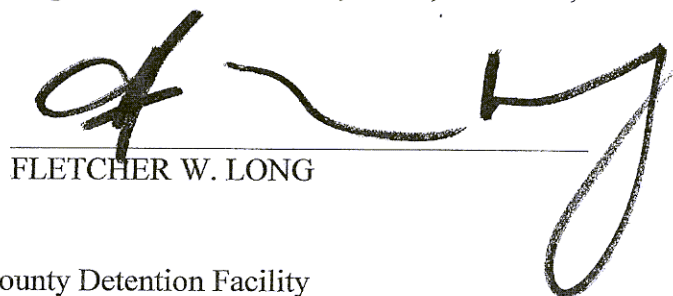
Respectfully Submitted,



FLETCHER W. LONG
Attorney for the Defendant
607 South Locust Street
Springfield, TN 37172
615/382-4468
Fax/382-5568

CERTIFICATE OF SERVICE

I certify sending a correct and complete copy of the foregoing to General Tom Thurman, Assistant District Attorney General, via facsimile to 862-5599, with copy likewise sent via the U.S. Mail, postage pre-paid, to the Office of the District Attorney General; Suite 500; Washington Square Building; 222 Second Avenue, North; Nashville, Tennessee 37201.



FLETCHER W. LONG

Xc: Arthur March
c/o Criminal Justice Center, Davidson County Detention Facility

**THIS MOTION IS EXPECTED TO COME ON FOR DISCUSSION THE
SECOND DAY OF FEBRUARY, 2006.**